DETAILED ACTION

1.   Applicant's Response filed on 9/26/2008 and the interview had on 4/8/2009. In

this Office Action, claims 1-3,10-14,18-21 and 23-25 are pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. § 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 12-19 are rejected under 35 U.S.C. § 101, because none of the claims

are directed to software per se. Independent claim 12 is claiming computer software

per se and functional descriptive material consisting of data structures and computer

programs, which impart functionality when employed as a computer component. As

such, the claims are not limited to statutory subject matter and are therefore non-

statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the

contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e),

(f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 1-3, 10-14, 18-21 and 23-25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Harsham et al. (US Patent 6,041,347) hereinafter Harsham, in

view of Nguyen (USPA Pub. 2003/0172145 A1) hereinafter Nguyen and further in view

of Pham et al. (US Patent 7,143,288) hereinafter Pham.

6.   As per independent claims 1, 12 and 20, Harsham teaches a centralized

computer network management system that simultaneously configures and monitors in

a computer network. The network administrator allowed to describe each network

device, computer or groups of network devises and computers can be associated with

one or more rules which define configuration parameters (col. 1, lines 48-57). Harsham

teaches the claimed, if the list is not empty, creating from the list a set of mapped

independent rule blocks (col. 4, lines 25-28). Harsham teaches the claimed, for each

block in the set, attempting to determine a position for the new access rule (Fig. 4, col.

5, lines 64-66). Harsham teaches the claimed, removing from the set those blocks for

which a position cannot be determined and merging the blocks in the set to form a new
independent rule block and inserting the new access rule therein (Fig. 7A-C, col. 7,
lines 57-58, col. 8, lines 19-20). Harsham does not explicitly teach creating a new
independent block if the list is empty. However, Nguyen teaches the claimed, if the list
is empty, creating a new independent rule block and inserting the new access rule
(page 15, paragraph [0434]). Nguyen also teaches the claimed, applying the access
rules in the list to enforce policies and permissions to control access to various network
resources (page 20, paragraph [0508]). Thus, it would have been obvious to one of
ordinary skill in the data processing art at the time of the invention, to have combine the
teachings of the cited references because Nguyen's teachings would have allowed
Harsham's method to provide all types of providers must position themselves for growth
and agility to handle increasing numbers of subscribers, additional services, and
workloads that are more challenging (page 3, paragraph [0030]).

Harsham and Nguyen do not teach explicitly merging access rules. However,
Pham teaches the claimed, merging the blocks in the set to form a new independent
rule block and inserting the new access rule (Fig. 2, col. 6, lines 31-33). Thus, it would
have been obvious to one of ordinary skill in the data processing art at the time of the
invention, to have combine the teachings of the cited references because Pham's
teachings would have allowed Harsham's method to provide a mechanisms to secure
persistent data that are ultimately reliable and cooperatively manageable (col. 3,
lines 4-6).

7.   As per dependent claims 2, 13 and 21, Harsham teaches the claimed, creating

from the list a set of mapped independent rule blocks comprises selecting all blocks in

the list having at least one rule that is not disjoint with the new access rule (Fig. 7B,

col. 7, lines 59-61).

8.   As per dependent claims 3 and 14, Harsham teaches the claimed, attempting to

determine a position for the new access rule comprises, comparing each existing rule in

the rule block to the new access rule and if all existing rules have been compared

against the new access rule and no determination has been made, determining a

position for the new access rule that is at the end of the block (Fig. 7A, col. 7,

lines 55-58).

9.   As per dependent claims 10, 18 and 24, Harsham teaches the claimed, merging

the blocks in the set to form a new independent rule block and inserting the new access

rule therein comprises: placing all rules from every block in the set which are positioned

ahead of the new access rule in front of the new access rule in the new block and

placing all rules from every block in the set which are positioned after the new

access rule behind the new access rule in the new block (Fig. 2, col. 4, lines 33-35).

10.   As per dependent claims 11, 19 and 25, Harsham teaches the claimed, removing

an existing rule, wherein the removing includes: searching for the existing rule to be

removed based on an identification number associated with the existing rule and
removing the rule (Fig. 7A, col. 7, lines 58-59).

11.   As per dependent claim 23, Harsham teaches the claimed, determining which of
the new access and existing rules has priority is based at least partly on user
determined criteria (Fig. 4, col. 5, lines 64-66).

Allowable Subject Matter

12.   Claims 4-9, 15-17 and 22 are objected to as being dependent upon a rejected
base claim, but would be allowable if rewritten in independent form including all of the
limitations of the base claim and any intervening claims. Additionally, Applicant must
overcome rejection under 35 U.S.C. 112 1st and 2nd paragraphs and 35 U.S.C. 101 and
any other objections listed in this Office Action.

Response to Arguments

13.   Applicant's arguments filed on 9/26/2008 and the interview on 4/8/2009 with
respect to claims 1-25 have been considered but they are not persuasive and details as
follows:

        a)   Applicant argued during the interview on 4/8/2009 regarding objection to
        the Specification (see interview summary) as "More specifically, there is no

requirement for a "summary of the invention" in the patent statute, the rules, or the MPEP."

In response to Applicant argument, Examiner agrees. Therefore, Examiner decided to withdraw the objection to specification.

b)   Applicant argued during the interview on 4/8/2009 regarding claims rejection under 35 U.S.C. 101 (see interview summary) as "Claim 1 has the real world value of protecting network security from intruders. It is also impossible to apply access rules using a paper and pencil in a way that enforces policies and permissions to control access."

In response to Applicant argument, Examiner agrees with respect to claims 1. Therefore, the rejection is withdrawn. However, in case of the claim 12, the system claim is rejected as a series of steps without proper implementation and the steps are considered as followed in typical software.

c)   Applicant argued during the interview on 4/8/2009 regarding claims rejection under 35 U.S.C. 112, first paragraph, (see interview summary) as "for failing to comply with the written description requirement."

In response to Applicant argument, Examiner agrees. Therefore, the rejection is withdrawn.

d)   Applicant argued regarding claims rejection under 35 U.S.C. 103 as "It is

important to combine references where the references teach away from their

combination."

In response to applicant's argument that there is no suggestion to combine

the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce

the claimed invention where there is some teaching, suggestion, or motivation to

do so found either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992). In this case, Pham et al. US Patent 7,143,288) teaches as "A

data server platform includes a **security file system** layer interposed between

the platform operating system kernel and file system" (See Abstract). Harsham

et al. (US Patent 6,041,347) teaches as "A centralized computer network

management system that simultaneously configures and monitors computers in a

computer network. Each network device, computer, or groups of network

devices and computers can be associated with **one or more rules** which define

configuration parameters" (See Abstract). Finally, Nguyen (USPA Pub.

2003/0172145 A1) teaches as "A **firewall** may add to performance and

scalability issues. Another consideration may be: is the design to include a

router Access Control List (ACL) and packet filters? Many ISPs choose to omit

firewalls and implement router ACL and packet filters instead. Considerations on

whether to implement a firewall or router ACL and packet filters may include one
or more of, but are not limited to, the following: routers are stateless and do not
examine payload, and firewalls are necessary for stateful applications" (par.
[0342 & 0344]). From these citations, it clearly indicates that all three references
are analogues to the current application.

e)   Further, Applicant argued as "In fact, the phrases "access rule" and
"ordered access rule" do not appear anywhere in the Harsham, Nguyen, or Pham
references."

        In response to Applicant argument, Examiner respectfully disagrees.
Because, Applicant claimed ordered list has no significance and every list will
have the order. To meet the requirement of Applicant is "while the elements of
the process are shown in an order, the elements may be performed in other
orders, and/or two or more of the elements may be performed simultaneously or
overlapping" (par. [0553]). Regarding access rules Harsham teaches access
rules (see Fig. 4, element 84, col. 5, lines 64-66) indicates as rules and
procedures for user access. User notified the network administrator to follow
access rules as "a central administrator 80 which receives user input 82 to define
rules, groups and the network organization as indicated at 84." Applicant may be
expecting word to word mapping. Most of the cases it is an impossible situation
to map.

Other references

14.   The following related references not relied upon are:

    i)   Mathew et al. (US patent 7,454,508).

Conclusion

15.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Sathyanarayan Pannala whose telephone number is
(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

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access to the automated information system, call 800-786-9199 (IN USA OR CANADA)
or 571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner, Art Unit 2164

srp
May 1, 2009